

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7819

BILL NUMBER: SB 549

DATE PREPARED: Jan 13, 1999

BILL AMENDED:

SUBJECT: OWI enhanced sentencing.

FISCAL ANALYST: Mark Bucherl

PHONE NUMBER: 232-9869

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who commits the crime of: (1) operating a vehicle with at least 0.10% by weight of alcohol or a schedule I or II controlled substance in the person's blood; or (2) operating a vehicle while intoxicated, commits a Class C felony if the crime results in serious bodily injury to at least two other persons and a Class B felony if the crime results in the death of at least two other persons. It prescribes minimum sentencing guidelines for a court to follow in alcohol related driving offenses based upon the percentage of alcohol found in the bloodstream or breath of the person who commits the offense. It also allows a court to deviate from the guidelines based upon just and good cause.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill enhances Class D and C felony penalties for injuring or causing the death of two or more persons while driving a vehicle OWI. The current felonies involved, imprisonment terms and actual time served are as follow.

| | <u>Felonies</u> | <u>Prison Terms</u> | <u>Actual Time Served</u> | <u>Five year avg. offenders incarcerated</u> |
|--|-----------------|---------------------|-------------------------------|--|
| | Class B | 6 to 20 years | n/a. | 0 |
| OWI resulting in death, current Class C | | 2 to 8 years | 2 yrs., 8 mos. | 26 |
| OWI resulting in injury, current Class D | | 6 mos. to 3 yrs. | 1 yr., 1 mo. | 19 |

The total prison term sentenced depends upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately one year, seven months.

In CY 1998, at least 93 persons were involved in OWI offenses involving injury or death.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for Class D, C and B felonies.

Explanation of Local Expenditures: This bill provides for recommended jail time for OWI offenses at varying blood-alcohol levels. This may increase the time spent by OWI offenders in county jails. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class D, C and B felonies are all \$120.

State Agencies Affected: Department of Correction; Bureau of Motor Vehicles.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Department of Correction; Indiana Sheriffs Association; Bureau of Motor Vehicles.